

United States Courts  
Southern District of Texas  
FILED

FEB 22 2020

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Vs.

Peyton Wayne Atkinson

## CRIMINAL COMPLAINT

Case Number: C-20-675M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about February 21, 2020 in Kenedy County, in the Southern District of Texas, defendant, Peyton Wayne Atkinson

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

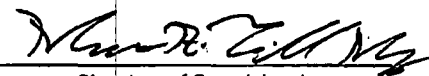
in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit of U.S. Border Patrol Agent Marco A. Trinidad Moya

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:



Signature of Complainant

Marco A. Trinidad Moya

Printed Name of Complainant

February 22, 2020

Date

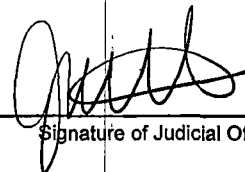
at

Corpus Christi, Texas

City and State

Julie K. Hampton U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

## **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

### **SYNOPSIS:**

On February 21, 2020, at approximately 06:30 p.m., Peyton Wayne ATKINSON was encountered by United States Border Patrol Agents at the Javier Vega Jr. Checkpoint near Sarita, Texas. ATKINSON was arrested for attempting to smuggle two illegal aliens in the trunk of the vehicle.

### **ENCOUNTER:**

On February 21, 2020, agents observed a gray 2014 Ford Focus enter the primary lane for immigration inspection. As the vehicle came to a stop the primary agent asked the driver, later identified as Peyton Wayne ATKINSON if anyone else was in the vehicle. ATKINSON replied there was no one else in the vehicle. The primary agent asked ATKINSON for consent to look in the trunk and ATKINSON agreed. After the trunk of the vehicle was opened the primary agent immediately noticed two individuals laying in the trunk attempting to conceal themselves. ATKINSON was detained after exiting the vehicle and was escorted into the checkpoint for further processing.

Agents drove the vehicle to the secondary inspection area. Once in the secondary inspection area, both subjects in the trunk exited the vehicle and were identified as Kevin Alexander GARCIA-Valdez and Clemente SANCHEZ-Marcelino. GARCIA and SANCHEZ are citizens of Guatemala and Mexico without proper documentation to enter or remain in the United States legally. GARCIA and SANCHEZ were placed under arrest and escorted into the checkpoint for further processing.

### **MIRANDA RIGHTS:**

Peyton Wayne ATKINSON was read his Miranda Rights in his preferred language of English. ATKINSON stated he understood his rights and was willing to provide a statement without an attorney present.

Kevin Alexander GARCIA-Valdez and Clemente SANCHEZ-Marcelino were read their Miranda Rights in their preferred language of Spanish. GARCIA and SANCHEZ stated they understood their rights and were willing to provide a statement without an attorney present. SANCHEZ later denied to give a statement.

### **Defendants Statement: (Peyton Wayne ATKINSON)**

ATKINSON claimed he met a guy at an unknown bar in Corpus Christi, Texas. ATKINSON stated the guy he met offered an opportunity to earn some money smuggling illegal aliens. ATKINSON agreed was given two locations in the Rio Grande Valley where he would pick up the individuals to smuggle through the checkpoint. ATKINSON claimed he picked up one individual at an O'Reilly's auto part store parking lot and one individual at a Mexican bakery store.

ATKINSON claimed both subjects occupied passenger seats within the vehicle for most of the trip north. Approximately fifteen miles south of the checkpoint both subjects climbed into the trunk area of the vehicle through the backseat and closed the seat behind them. ATKINSON stated he was instructed to drop off both subjects behind the Target store located on South Padre Island Drive in Corpus Christi, Texas. ATKINSON admitted he was to receive \$1,000 dollars per individual once they were dropped off in Corpus Christi, Texas.

**Material Witness Statement: (Kevin Alexander GARCIA-Valdez)**

GARCIA stated he illegally crossed into the United States on February 18, 2020 with 35 other people. GARCIA claimed once in the United States they had their eyes covered and were taken to an abandoned house. GARCIA said he was then taken to another house and was in that house for approximately 3 days. GARCIA said on 02/21/2020 he was told to be ready by 2:00 p.m. because he was going to get picked up.

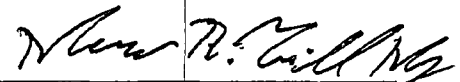
With his eyes covered, GARCIA was taken to a parking lot at an unknown location around 4:00 p.m. GARCIA was told to get into a car. GARCIA claimed his eyes were not covered anymore at that point. GARCIA claimed ATKINSON did not get out of the vehicle, GARCIA just got in the back seat. GARCIA claimed there was a second subject, Clemente SANCHEZ-Marcelino, in the car when he got in.

GARCIA claimed ATKINSON drove until they were getting stopped at the checkpoint by Border Patrol. GARCIA said 40 minutes before getting to the checkpoint, he and SANCHEZ were instructed to climb into the trunk by ATKINSON. GARCIA claimed there was no money exchanged with ATKINSON.

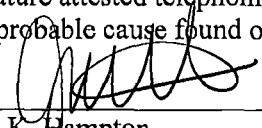
GARCIA was shown a photo lineup of 6 subjects and was able to identify Peyton Wayne ATKINSON as the driver of the vehicle.

**DISPOSITION:**

The case was accepted by the Assistant United States Attorney's Office against Peyton Wayne ATKINSON for prosecution of 8 USC 1324, Alien Smuggling. Kevin Alexander GARCIA-Valdez will be kept as Material Witnesses. Clemente SANCHEZ- Marcelino will be charged with 8 USC 1326 Illegal Reentry.

  
Marco A. Trinidad Moya  
Border Patrol Agent

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P.4.1,  
and probable cause found on February 22, 2020.

  
Julie K. Hampton  
United States Magistrate Judge